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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,011	12/04/2001	Renato V. Iozzo	IOZ01-NP009	7689

24358                      7590                      05/07/2002

THOMAS JEFFERSON UNIVERSITY  
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EXAMINER

YAEN, CHRISTOPHER H

ART UNIT                      PAPER NUMBER

1642

DATE MAILED: 05/07/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.



## DETAILED ACTION

### *Election/Restrictions*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-2, and 8-9, are drawn to a method of inhibiting angiogenesis in a patient comprising the administration of endorepellin, classified in class 514, subclass 2.
  - II. Claims 3-6 are, drawn to a method of monitoring angiogenesis in a patient comprising measuring an amount of endorepellin, classified in class 435, subclass 7.1.
  - III. Claims, 7, and 11-12 drawn to a method of treating a tumor comprising administering an effective amount of endorepellin, classified in class 514, subclass 2.
  - IV. Claims 13 and 14, are drawn to a kit for detecting and measuring endorepellin, classified in class 530, subclass 395.
  - V. Claim 15, is drawn to a pharmaceutical composition comprising a endorepellin protein, classified in class 514, subclass 21.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I-III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions differ from each other as follows : The different

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methods are drawn to different method steps, different endpoints, and different reagents for performing the steps. Each of these methods are distinct and independent. Claims drawn to treatment are not of the same scope as inhibition, nor is it of the same scope as monitoring.

3. Inventions IV and V are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions differ one from the other as follows: The different products are structurally and functionally distinct from each other, and have different uses. The kit for detecting and measuring is distinct from a pharmaceutical compound in that the compound is used potentially for treating, while the kit is used for diagnosis or detection. Thus, each of the products are distinct and independent of each other.

4. The products of groups IV and V are drawn to different types of inventions than the methods of groups I-III.

5. Because these inventions are distinct for the reasons given above and the search required for Group I-V are distinct and independent from each other, restriction for examination purposes as indicated is proper.

6. A telephone call was made to Janet Smith on 3/27/2002 to request an oral election to the above restriction requirement, but did not result in an election being made.

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher H Yaen whose telephone number is 703-305-3586. The examiner can normally be reached on Monday-Friday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Caputa can be reached on 703-308-3995. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-4242 for regular communications and 703-305-3014 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.

Christopher Yaen  
Art Unit 1642  
May 6, 2002

  
ANTHONY C. CAPUTA  
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